vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1547 OF 2005
IN
SUIT NO.1594 OF 1985

Bank of India ... Plaintiff

V/s.

B.C. Mody Exports Pvt. Ltd. & Anr. ... Defendants

Ms.Soumya Srikrishna i/b FZB & Associates for Plaintiff
Ms.K.C. Nichani for Defendants

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 20, 2005**

P.C.:

. The present Chamber Summons is filed to take on record the original letters dated 22.6.1978 and 20.7.1978. A further prayer is made that these documents should be admitted in evidence. By prayer clause (c), the plaintiff has sought permission to tender the documents before the Commissioner by way of additional affidavit in evidence of the plaintiff. Undisputedly, the plaintiff's officer is under cross-examination. Two sittings have already been held and the Commissioner has been recording the crossexamination. In my opinion, therefore, it would be improper to allow the plaintiff to file an additional

affidavit by way of examination in chief of that witness. However, the original letters dated 22.6.1978 and 20.7.1978 may be taken on record. The plaintiff may then have these documents exhibited by examining any other witness to prove the documents. What credence is to be attached to those documents which although in plaintiff's possession were not produced till 2005, is for the Court to decided when the arguments are advanced.

2. Chamber Summons is allowed accordingly in terms of prayer clauses (a) and (b).